

Supreme Court, U. S.

FILED

APR 21 1977

MICHAEL RODDAM, JR., CLERK

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-1317

CHARLES MERRILL MOUNT,

Petitioner,

v.

THE BOSTON ATHENAEUM,

Respondent.

**Memorandum of Respondent in Opposition to the Petition
for Writ of Certiorari to the United States Court of
Appeals for the First Circuit.**

DANIEL B. BICKFORD

GASTON SNOW & ELY BARTLETT

One Federal Street

Boston, Massachusetts 02110

(617) 426-4600

Counsel for Respondent

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-1317

CHARLES MERRILL MOUNT, *Petitioner*,

v.

THE BOSTON ATHENAEUM, *Respondent*.

RESPONDENT'S MEMORANDUM OPPOSING CERTIORARI

Respondent represents to the Court as follows:

1. The above-entitled cause was submitted on December 3, 1975 and an opinion rendered and judgment entered for this Respondent on February 25, 1976 by the United States Court of Appeals for the First Circuit.

2. The Petition for Writ of Certiorari was filed with this Court on March 24, 1977, more than ninety days since the entry of judgment by the court of appeals, and the period for applying for a writ of certiorari has not been extended by a Justice of this Court (U.S.C., Title 28, Sec. 2101(c) and Rule 22 of this Court).

THEREFORE, it appears that petitioner's application for a writ of certiorari is out of time and should be denied.

Respectfully submitted,

DANIEL B. BICKFORD

GASTON SNOW & ELY BARTLETT

One Federal Street

Boston, Massachusetts 02110

(617) 426-4600

Counsel for Respondent

CERTIFICATE OF SERVICE.

I, Daniel B. Bickford, hereby certify that on this 20th day of April, 1977 three copies of the Respondent's Memorandum in Opposition to the Petition for Writ of Certiorari were mailed by first-class mail, postage pre-paid, to Charles Merrill Mount, 230 Beach 146 Street, Neponsit, New York 11694, Counsel Pro Se.

DANIEL B. BICKFORD

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